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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/864,017

Filing Date: May 23, 2001

Appellant(s): VANTTINEN ET AL.

Mr Lenwood Faulcon, Jr.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 31, 2011 appealing from the Office action mailed October 29, 2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-36 are pending in the current application.

Claims 27-28 and 31-32 are rejected and are the subject of this appeal.

Claims 33-34 are cancelled by the appellant.

Claims 29-30 are objected.

Claims 1-26, 35, and 36 are allowed.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

| | | |
|-----------|--------|--------|
| 6,549,773 | Linden | 4-2003 |
| 5,812,955 | Dent | 9-1998 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linden et al (US 6,549,773 B1), and further in view of Dent et al (US 5,812,955).

a. Referring to claim 27:

i. Linden teaches An apparatus, comprising:

(1) at least one processor (**see Figure 1, client 1, MS1 and/or MS2 should include a processor to process communication between them of Linden; furthermore Dent teaches a control processor 154 as shown in Figure 3 of Dent**); and

(2) at least one memory (**column 5, line 31 of Linden**) including computer program code, the at least one memory and the computer program code being configured, with the at least one processor, to cause the apparatus at least to:

(3) receiving, from a mobile station, information relating to a location information request and a sender of the location information request (**see Figure 1, wherein client 1 functions as a mobile station sending a request via gateway 2 through server 3 for requesting information related between communication device MS1 and MS2 and column 6, lines 1-15 of Linden**); and

(4) exchanging information about a security association with a network element connected to a cellular network, the security association pointing to the network element from the sender of the location information request (**see Figure 1 and column 10, lines 6-8, wherein the information is exchanging between the client 1 and server 3; and column 6, lines 57-66, wherein the information about a security association is stored in the smart card (e.g., SIM card) that uses in mobile phone, such as MS1 and MS2 of Linden**).

ii. Although Linden discloses exchanging information between the client 1 and serve 3 (see column 10, lines 6-8), Linden is silent about exchanging information that associates with security association. On the other hand, Dent teaches this limitation in **column 2, lines 60-67 of Dent**.

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the invention of Linden with the teaching of Dent to enhance the wireless network communication system.

iv. The ordinary skilled person would have been motivated to:

(1) have modified the invention of Linden with the teaching of Dent to improve security for use within the area cellular networks.

b. *Referring to claim 28:*

i. This claim has limitations that is similar to those of part (2) of claim 27, thus it is rejected with the same rationale applied against part (2) of claim 27 above.

3. Claims 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linden et al (US 6,549,773 B1), in view of Dent et al (US 5,812,955), and further in view of Wang et al (US 6,415,154 B1).

a. *Referring to claim 31-32:*

i. Although the combination of teaching between Linden and Dent teaches the claimed subject matter, they are silent on the capability of showing receiver of a positioning system, wherein the receiver is a Global Positioning System receiver. On the other hand, Wang teaches these limitations **in column 2, lines 26-30 of Wang.**

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the modified-invention of Linden with the teaching of Wang to enhance the wireless network communication system.

iv. The ordinary skilled person would have been motivated to:

(1) have modified the modified-invention of Linden with the teaching of Wang to determine the location of the network element, such as mobile phone.

Information Disclosure Statement

4. The information disclosure statement (IDS) filed on December 21, 2010 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

(10) Response to Argument

I. **Appeal brief, page 6, regarding claim 27.** Appellant has argued that Linden et al. does not disclose, nor suggest, an apparatus that receives, from a mobile station, information relating to a location information request and a sender of the location information request, and determines to exchange information about a security association with a network element connected to a cellular network, the security association pointing to the network element from the sender of the location information request. That is, Linden et al. fails to disclose that **the subscriber data or identifications** (the alleged security association) points to a network element **connected to a cellular network** from a sender of a location information request.

Answer to argument I:

Examiner respectfully disagrees with the appellant and still maintains that: Linden does teach as shown in Figure 1, communication devices, i.e. wireless communication devices MS1 and MS2, advantageously mobile stations (MS) function as clients 1 and are connected to a gateway 2, which is advantageously a server and which adapts the different data transmission protocols used to each other. The clients 1 utilize advantageously a public land mobile network (PLMN), such as the GSM network and the GSM GPRS network, in order to implement wireless data transmission. The base station subsystem (BSS) of the mobile communication network

(PLMN) is known as such and comprises base transceiver stations (BTS) and base station controllers (BSC). The mobile station MS1, MS2 communicates with a base transceiver station via a radio channel, and the base transceiver station communicates further with a base station controller (column 6, lines 1-15 of Linden, wherein the base transceiver is included both, transmitter and receiver; and wherein Figure 1 shows client 1 functions as a mobile station sending a request via gateway 2 through server 3 for requesting information related between communication device MS1 and MS2. Once the server 3 receives the request information, which could be any type of information including location information, server then sends back the response to the client 1, after verifying/validating/analyzing/retrieving the request information from the file database within the server 3). In fact, Linden further teaches the URI addresses are used to locate resources by providing the location of the resource with an abstract identification. When the resource is located, the system can subject the resource to different procedures which depend on the application and on the purpose of pursuing access to the resource (column 2, lines 50-55 of Linden). In addition, Linden further teaches in column 10, lines 6-8, wherein the information is exchanging between the client 1 and server 3; and column 6, lines 57-66, wherein the information about a security association is stored in the smart card (e.g., SIM card) that uses in mobile phone, such as MS1 and MS2.

Although Linden discloses exchanging information between the client 1 and serve 3 (see column 10, lines 6-8), Linden is silent about exchanging information that associates with security association. On the other hand, Dent teaches this

limitation in column 2, lines 60-67 of Dent, wherein exchanged security information can also include authentication signals that bilaterally verify both the identity of the cellular phone to the cellular network and the identity of the network to the phone. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the invention of Linden with the teaching of Dent to enhance the wireless network communication system. The ordinary skilled person would have been motivated to have modified the invention of Linden with the teaching of Dent to improve security for use within the area cellular networks. Thus, the combination of teaching between Linden and Dent teaches the claimed subject matter of claim 27.

In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, according to the above explanation, the combination of teaching between Linden and Dent is efficient and proper.

Besides, examiner would like to bring the attention to the appellant that the limitation, "**the subscriber data or identifications connected to a cellular network** from a sender of a location information request," (see

appeal brief, page 6, lines 17-19) does not recite in the claimed limitation, specially the bolded part, as in claim 27.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., **the subscriber data or identifications** points to a network element **connected to a cellular network** from a sender of a location information request) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

II. Appeal brief, page 7, regarding claim 28. Appellant has argued that neither Linden et al. nor Dent el al. discloses or renders obvious the claimed second security association that points to the apparatus from the sender of the location information request.

Answer to argument II:

Examiner respectfully disagrees with the appellant and still maintains that:

As described above under the Answer to argument I, although Linden discloses exchanging information between the client 1 and serve 3 (see column 10, lines 6-8), Linden is silent about exchanging information that associates with security association. On the other hand, Dent teaches this limitation in column 2, lines 60-67 of Dent, wherein exchanged security information can also include authentication signals that bilaterally verify both the identity of the cellular phone to the cellular network and the identity of the network to the phone. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the

invention of Linden with the teaching of Dent to enhance the wireless network communication system. The ordinary skilled person would have been motivated to have modified the invention of Linden with the teaching of Dent to improve security for use within the area cellular networks. Since Dent teaches verifying both the identity of the cellular phone to the cellular network and the identity of the network to the phone, either identity of the cellular phone or the identity of the network can be first or second security association. Thus, the combination of teaching between Linden and Dent teaches the claimed subject matter of claim 28.

In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, according to the above explanation, the combination of teaching between Linden and Dent is efficient and proper.

III. Appeal brief, pages 7-8, regarding claim 31-32, Appellant has argued that Wang et al fails to at least remedy the above discussed deficiencies of Linden et al. and Dent et al.

Answer to argument III:

As described above under the Answer to argument I, Examiner respectfully disagrees and maintains the same arguments as set forth above regarding the rejection of claim 27.

Although the combination of teaching between Linden and Dent teaches the claimed subject matter, they are silent on the capability of showing receiver of a positioning system, wherein the receiver is a Global Positioning System receiver. On the other hand, Wang teaches these limitations in column 2, lines 26-30 of Wang, wherein communicating auxiliary information between a cellular telephone network and a GPS receiver positioned within a mobile station. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the modified-invention of Linden with the teaching of Wang to enhance the wireless network communication system. The ordinary skilled person would have been motivated to have modified the modified-invention of Linden with the teaching of Wang to determine the location of the network element, such as mobile phone.

In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case,

according to the above explanation, the combination of teaching between Linden, Dent, and Wang is efficient and proper.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Thanhnga B. Truong/

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June 13, 2011

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